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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/960,429	09/21/2001	John Chaco	8266-0722	6637
7590	06/09/2004		EXAMINER	
Intellectual Property Group Bose McKinney & Evans LLP 2700 First Indiana Plaza 135 North Pennsylvania Street Indianapolis, IN 46204			POPE, DARYL C	
			ART UNIT	PAPER NUMBER
			2632	
DATE MAILED: 06/09/2004				

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/960,429	CHACO, JOHN
	Examiner DARYL C POPE	Art Unit 2632

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 12 November 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 21-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 28-30 and 32 is/are allowed.
- 6) Claim(s) 1-27,31 and 33-38 is/are rejected.
- 7) Claim(s) 39 and 40 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)          |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. <u>13</u> .  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### **ART REJECTION:**

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 21-23,25,31,33-34,36-38, and 41-43 are rejected under 35**

**U.S.C. 102(b) as being anticipated by Wolk et al(4,853,692).**

-- In considering claim 21, the claimed subject matter that is met by Wolk et al(Wolk) includes:

- 1) the first transmitter transmitting a first ID is met by the RF transmitting module(7) which includes a coded signal generators that generate signals which represents a transmitter ID code(see: column 3, lines 5-15)
- 2) the portable transceiver module having a receiver for receiving the first ID is met by the RF receiver module(13);
- 3) the claimed memory storing ID is met by the reception circuitry of the transceiver module(13) having channels that store sets of 1's and 0's corresponding to coded signals transmitted by a specific transmitter(see: column 6, lines 22-34).

-- **Claim 22** recites subject matter that is met as discussed in claim 21 above, as well as:

1) the transceiver module indicating an alarm condition by comparing the first ID to the first stored ID is met by the receiver(13) triggering an alarm when a coded tamper signal transmitted by a transmitting module(7) corresponds to a stored tamper code in a tamper channel of the receiver(see: column 6, lines 29-38).

-- In considering **claim 23**, it would have been inherent that an alarm would have occurred when the first ID does not match the first stored ID because, as disclosed by Wolk, any detected irregularities by the receiver(13) pertaining to the health and overall operation of the transmitter(7), whether caused by tamper, distance, prolonged interference from other signals, non reception of a signal within a period of time, etc. would have been construed as an alarm situation, and therefore triggering of an alarm would be performed(see: column 6, lines 35 et seq; column 7 lines 1-40).

Therefore, although not specifically stated by Wolk, it would have been inherent that an alarm condition would have occurred when the first ID would not have matched the stored ID of the receiver(13) for whatever reason. As well, all other claimed subject matter is met as discussed in claim 22 above.

-- **Claim 25** recites subject matter that is met as discussed in claim 22 above, as well as:

1) the ID having an associated energy level and the transceiver module indicating an alarm condition by comparing the energy level to a threshold value is met by the receiver determining an alarm condition based on the received signal strength of

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the signal transmitted by the transmitter(7)(see: column 6, lines 45-54), wherein received signal strength is a parameter that is direct relation to energy level.

-- **Claim 31** recites subject matter that is met as discussed in claim 21 above, as well as:

1) the transceiver module activating an alarm when the first transmitter is separated from the transceiver module by more than a preset distance is met by the receiving module(13) activating an alarm when the transmitter(7) would have been separated by a predetermined distance(see: column 6, lines 55-63).

-- **Claim 33** recites subject matter that is met as discussed in claim 21 above, as well as:

1) the controller is met by the central control panel(90);  
2) the transceiver modules wirelessly transmitting messages to the controller including messages with indication of receipt of the first ID is met by the transceiver modules(92, which are equivalent to the modules(13)) transmitting maintenance channel signals, which indicate receipt of the ID signals(see: column 8, lines 58 et seq).

-- **Claim 34** recites subject matter that is met as discussed in claim 33 above, as well as:

1) the controller receiving messages from a plurality of modules and determining a location of the transmitter and modules from the messages is met(see: figure 7; column 9 lines 3-56).

-- **Claim 36** recites subject matter that is met as discussed in claim 21 above, as well as:

1) the claimed actuator connected to the transceiver module and being actuated upon an indication of an alarm condition is met by the actuator(not shown) of channel A and/or timing circuit(16, figure 1) of the receiver(13) which triggers audible alarm(17) and/or flashing light(19, column 6, lines 35-44).

-- **Claims 37-38** recite methods that were met with reference to the discussion of the apparatus of claim 25 above.

-- **Claim 41** recites a method that was met with reference to the discussion of the apparatus of claim 31 above.

-- **Claim 42** recites a method that was met with reference to the discussion of the apparatus of claim 34 above.

-- **Claim 43** recites subject matter that was met as discussed with reference to the discussion of claim 21 above, as well as:

1) the claimed plurality of transmitters and receivers, and the central processing unit are met(see: column 9, lines 9-56).

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims are rejected under 35 U.S.C. 103(a) as being unpatentable over Wolk et al(Wolk).

-- In considering **claims 24,26-27, and 35** the examiner takes Official Notice that in the transponder art, use of processors for comparing IDs, comparators for comparing energy levels to threshold values; processors for determining energy level and evaluating in relation to a threshold value, and processors for determining locations of transmitters are well known, and therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate these devices into the transceiver module of Wolk, since these devices would have provided reliable, efficient, and low cost means of performing functions that would have enhanced the detection capabilities in the system of Wolk.

As well, all other claimed subject matter is met as discussed in claim 21 above.

***Allowable Subject Matter***

6. **Claims 28-30, and 32** are allowed.
7. **Claims 39-40** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
8. The following is a statement of reasons for the indication of allowable subject matter:

The instant application is deemed to be directed to a non-obvious improvement over the invention patented in Pat. No. 4,853,692. The improvement comprises the inclusion of an second transmitter having a second ID signal and still being associated with the first ID and transceiver module. Furthermore the improvement comprises an alarm condition being activated when neither the first or second transmitter is within a

predetermined distance of the transceiver module for a predetermined period of time, and as well, the second transmitter receiving an alarm signal from the transceiver module upon failure of preset conditions, and thereby activating an alarm at the second transmitter.

**REMARKS:**

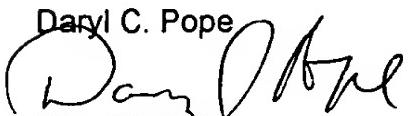
9. Although new grounds of rejection are utilized in the above stated art rejection, this office action will still be a final office action, since this art rejection replaces the rejection dated 12/17/03 which was insufficient due to priority dating with regards to the present invention in relation to the prior art. The office action dated 12/17/03 was considered final due to amendments to the claims filed in applicant's response dated 11/12/03.

***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DARYL C POPE whose telephone number is (703) 305-4838. The examiner can normally be reached on M-TH 7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, DANIEL WU can be reached on (703) 308-6730. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daryl C. Pope  
  
May 12, 2004

DARYL C POPE  
Primary Examiner  
Art Unit 2632